

Notice of Allowability

Application No.

09/940,558

Examiner

Christopher P Bruenjes

Applicant(s)

WANG, LIXIAO

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed February 17, 2005.
2. ☒ The allowed claim(s) is/are 63-67 and 69-76.
3. ☒ The drawings filed on 27 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050412.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Anderson II on April 11, 2005.

2. The application has been amended as follows:

Cancel claims 14-58:

Replace claim 63 with the following:

63. (Currently amended) A medical tube for inserting into the human body, comprising:

a tube comprising first, second, and third layers, in which the first layer is formed between the second and third layers, wherein the first layer is formed of a first material comprising a thermoplastic polymer comprising a co-polymer, wherein the copolymer is a fluoro copolymer chosen from the group consisting of a copolymer of tetrafluoroethylene with a perfluoroalkyl vinyl ether, a copolymerization of tetrafluoroethylene and perfluoromethylvinylether and a fluorinated ethylene-propylene resin, and a second layer is formed of a second material having a melt temperature, wherein the second material is a melt-processible poly(tetrafluoroethylene) composition, the melt-processible poly(tetrafluoroethylene) composition having a melt flow index value greater than 0 and less than 2.5 g/10minutes, and a third layer is formed of a third material

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having a melt temperature, wherein the third material is a melt-processible poly(tetrafluoroethylene) composition, the melt-processible poly(tetrafluoroethylene) composition having a melt flow index value greater than 0 and less than 2.5 g/10minutes, wherein the third layer is in direct contact with the first layer and wherein the first layer, the second layer, and the third layer are co-extruded at a temperature at or above the melt temperatures of the second and the third materials.

3. The following is an examiner's statement of reasons for allowance: The closest prior art Saitou in view of Smith and Garabedian fail to teach melt-processible poly(tetrafluoroethylene) with the properties claimed sandwiching a fluoro copolymer chosen from the Markush group claimed. Specifically, Garabedian fails to provide adequate motivation for modifying the tube formed by the combination of Saitou and Smith, by adding a third layer of melt-processible PTFE having the similar properties as the second layer, on the opposite side of the first layer from the second layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

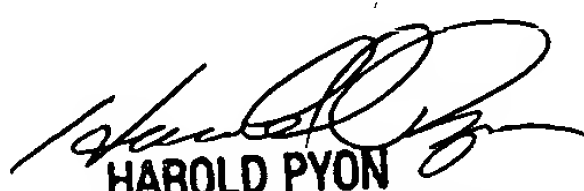
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772
CPB *CPB*
April 12, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/12/05